

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

YOLANDA FOLLORS,

Plaintiff,

v.

**SIX FLAGS GREAT ADVENTURE,
LLC, *et al.*,**

Defendants.

Civil Action

No.:

**PETITION OF DEFENDANT, SIX FLAGS GREAT
ADVENTURE, LLC, FOR NOTICE OF REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF NEW JERSEY:

AND NOW comes Defendant, Six Flags Great Adventure, LLC (hereinafter
“Petitioner”)¹, for the purpose of removing this Civil Action to the United States District Court
for the District of New Jersey, and in support thereof avers as follows:

1. On or about April 26, 2022, plaintiff commenced this action in the Superior Court
of New Jersey, Law Division, Ocean County, at Docket Number OCN-L-000880-22 (hereinafter
“the State Court Action”). Petitioner was served with original process on April 28, 2022. *See* true
and correct copy of Complaint and Affidavit of Service, attached hereto as Exhibit “B”.

¹/ Plaintiff originally also named Six Flags Entertainment Corporation as a defendant in this
action but that entity has been dismissed by Stipulation. *See* true and correct copy of Stipulation,
attached hereto as Exhibit “A”. Notably, the dismissal of that entity did not have any impact on
the removal of this action.

2. Plaintiff is a citizen and resident of the State of New York according to her Complaint. *See* Exhibit “B”.

3. Petitioner is a limited liability company, *see* true and correct copy of Jason Freeman Affidavit, attached as Exhibit “C”, and, as such, has the citizenship of its Members, *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 419-20 (3d Cir. 2010).

4. At the time of the commencement of the State Court Action and at the time of removal, Petitioner had and has a single Member - Six Flags Theme Parks, Inc., a Delaware Corporation which has its principal place of business located in Grand Prairie, Texas and, as such, is a citizen of the States of Delaware and Texas. *See* Exhibit “C”.

5. Because this matter involves a controversy between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this matter is removable under 28 U.S.C. § 1332.

6. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days after service of the Complaint upon Petitioner, Six Flags Great Adventure, LLC, which was on March 29, 2022.

7. No further proceedings as to Petitioner have taken place with regard to this action in the State Court Action.

8. The above-described action is a Civil Action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and is one which may be removed to this Court by the Petitioner, pursuant to the provisions of 28 U.S.C. §1441.

9. This suit involves a controversy between citizens of different states: the plaintiff is a resident and citizen of the State of New York. Petitioner is not a resident or citizen of the State of New York or New Jersey.

10. The amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs as this case allegedly involves severe and permanent injury to the plaintiff's leg and/or ankle, including fractures, with multiple surgeries (upon information and belief, per the representation of plaintiff's counsel) and ongoing medical care and expectation of additional future care, as well as emotional damages and counseling. *See* Exhibit "B".

11. Petitioner has, simultaneously with the filing of this Notice, given written notice to counsel for all parties involved in this action.

12. Petitioner has filed a copy of the instant Notice of Removal with all attachments thereto with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County.

WHEREFORE, Six Flags Great Adventure, LLC, respectfully requests that this suit be removed to this Honorable Court pursuant to the laws of the United States.

Respectfully submitted,

By: //cs// *H.M.Eichenbaum*
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Dated: May 26, 2022